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TAGS: [PHUM](#) [PGOV](#) [UP](#)
SUBJECT: UKRAINE: MOI AND MFA DISCUSS PLANS TO FIGHT
XENOPHOBIC ATTACKS

REF: A. KYIV 2718
[1](#)B. KYIV 2943

Classified By: Ambassador for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary and Comment. The Ukrainian Government is taking steps to combat the increase in racially-motivated crimes in Ukraine this year. Acting Minister of Interior Korniyenko highlighted to the Ambassador several initiatives undertaken by the Ministry including increased security for diplomatic missions, meetings with expatriate groups, meetings with university administrators, and the creation of a special MOI unit to investigate crimes committed both against and by foreigners. MOI Deputy Minister Kupianski provided details regarding investigations into incidents that have occurred in 2007 as compiled by the Embassy. Korniyenko agreed that the MOI should coordinate with other ministries and law enforcement bodies, including the Office of the Prosecutor General (OPG) and Security Service of Ukraine (SBU). In a separate meeting Ministry of Foreign Affairs' (MFA) newly appointed Ambassador at Large to Combat Xenophobia, Racism, and Discrimination Oleksandr Horin told the Ambassador that he will coordinate efforts between the MFA and other ministries in this area and he outlined several proposals to include creation of an inter-agency task force, provision of tolerance education in schools, improvement of accurate media reporting on xenophobia, and an increase in video surveillance in public areas. Horin also mentioned that he was following the property dispute between the city of Uman's Jewish community and a Ukrainian construction company over the grave site of one of the most important religious figures for Hassidic Jews, Rabbi Nachman.

[1](#)2. (C) Comment. We were impressed by Korniyenko's openness and how seriously his staff reviewed our list of incidents to prepare for the meeting. They have made progress in acknowledging the seriousness of the problem since a previous meeting last May. However, we think that the MOI special unit's dual mission of investigating crimes by and against foreigners may not be the most effective set-up and could lead to racial profiling. It also remains to be seen when the unit will become fully operational. We will support Ambassador Horin's efforts to encourage much needed coordination between the MOI, PGO, and SBU as well as to act as a point of contact within the MFA to respond to the international community's concerns. End Summary and Comment

Acting Minister of Interior Not Defensive, cites Progress

[1](#)3. (C) Acting Minister of Interior Korniyenko met with the Ambassador and his counterparts from Israel, Egypt, Germany, Nigeria, and the UK, as well as the head of the Kyiv office of the International Office of Migration (IOM) Jeffrey Labovitz, on November 29. The meeting was held at the Ambassador's request in order to obtain an update on steps

taken by the MOI to fight the recent increase in racially-motivated crime. Korniyenko was accompanied by Deputy Ministers Kupianski, Bodnar, Fatkhutdinov, Marmazov, the head of the International Relations Department Kaliuk, and the MOI's department chief for Kyiv Lieutenant General Krykun. (Embassy note: The Ambassador, along with several of his counterparts, met with Korniyenko on May 14, 2007, to discuss the same issue. End note.)

14. (C) Korniyenko, who appeared more open and less defensive than at the meeting in May, highlighted several steps taken over the past months to address the problem of attacks against foreigners and people of non-Slavic appearance. He said that MOI had taken steps to increase security for diplomatic missions in Kyiv, met with expatriate groups, met with university administrators where several of these incidents have occurred, and directed regional and city police to make fighting racially-motivated crime a priority. He noted that the MOI established a special unit in August to investigate crimes committed both against and by foreigners. (Comment: Human rights groups object to the unit's task of investigating crimes committed by foreigners since this could reinforce stereotypes that certain ethnic groups are prone to commit crimes and could also result in racial profiling. End Comment) Korniyenko noted that the MOI has also established an action plan to fight racially-motivated crime, established public councils including human rights NGO participation, and cooperated with mobile monitoring groups that monitor prison conditions.

Deputy MOI Responds to Embassy's List of Incidents

15. (C) Deputy Minister Kupianski gave a detailed response to a list of violent incidents in 2007 targeting foreigners,

mostly of non-Slavic heritage, compiled and presented by the Embassy to the MOI in advance of the meeting. (Comment: We compiled this list from media reports, human rights monitoring websites, and information provided to the Embassy by U.S. citizens. The Ambassador has shared this list with numerous senior-level Ukrainian government officials including PM Viktor Yanukovych, possible next PM Yuliya Tymoshenko and former FM Yatsenyuk. End comment.) Kupianski explained that the MOI had instructed police officers to meet with youths involved in skinhead groups (and their parents) to try to dissuade them from accepting the skinheads, intolerant ideology. According to Kupianski, the police found that parents often had no idea their children were involved in these groups and that the police intervention had yielded positive results.

16. (C) Kupianski explained that 256 of the 353 crimes committed against non-CIS country foreigners had been solved, with the vast majority of these crimes involving robbery, theft, extortion and other similar crimes. (Comment: Korniyenko mentioned that there were 1,032 crimes committed against foreigners in 2007, however this number included victims from CIS countries. End Comment). Kupianski said the MOI was aware of 11 of the cases involving grave bodily injury or death in 2007 with one case still under investigation. He said that motives, including xenophobia, racism, and religious intolerance, were always considered by investigators but could only be determined once the suspect was detained. He explained that the MOI reviewed the Embassy's list of violent incidents and of the 40 cases listed, 20 criminal cases had been initiated, 12 suspects had been identified, and in 13 cases there was not enough evidence to confirm a crime had been committed. The MOI was not aware of seven cases on the list, all reported by the media, but was trying to confirm what occurred.

Diplomats Acknowledge Progress, See Need for Improvement

17. (C) When asked by IOM Head Jeffrey Labovitz about MOI

coordination with other ministries and law enforcement bodies, Korniyenko stated that the SBU and OPG had expressed interest in the MOI's action plan and he agreed with Israeli Ambassador Kalay-Kleitman that the MOI should cooperate with the SBU's recently established foreign crime unit. In response to Labovitz's concern about the lack of prosecutions under Ukraine's article 161 of the Criminal Code on inciting ethnic, racial, or religious hatred, Korniyenko noted that the hate crime law stipulates a five-year maximum penalty while prosecution for assault and murder have stiffer penalties. His preference was to charge perpetrators of racially-motivated crime for more serious offenses when possible, or at least combining such charges with hate crime charges, to impose the greatest punishment allowed by the law.

¶8. (C) When asked by the German DCM what the MOI was doing to prevent crimes and raise public awareness, General Fatkhudinov explained that the MOI was creating a system to educate and train police officers and police cadets on combating xenophobia in preparation for the upcoming 2012 European soccer championship to be co-hosted by Ukraine and Poland. He added that the MOI wanted to increase video surveillance in public places and station more security - either private or MOI - at synagogues and Jewish schools. He added that they were paying particular attention to soccer fan clubs where skinheads tend to congregate. He said the MOI was open to exchanges with foreign police forces to gain from their experiences.

¶9. (C) The Nigerian Charge expressed frustration with the slow progress in the trial of three men accused of murdering a Nigerian citizen in 2006, one of whom is being tried for committing a hate crime (see ref B). Korniyenko explained that the Ministry of Justice, and not the MOI is responsible for the court proceedings but assured her that he would look into delays in transporting the defendants to court, an MOI responsibility, which had caused the hearing to be postponed twice. Korniyenko also assured Israel's ambassador that the MOI was actively carrying out President Yushchenko's orders to fight xenophobic and anti-Semitic crimes (see ref A) and cited examples such as regional police meetings with Jewish communities, and greater cooperation with the SBU in exchanging information, and joint operations with the SBU to investigate hate crimes.

Ambassador meets with MFA Ambassador at Large on Xenophobia

¶10. (C) The Ambassador met with the MFA's newly appointed Ambassador at Large to Combat Xenophobia, Racism, and

Discrimination Oleksandr Horin on November 30. Horin requested the meeting to introduce himself and explain his responsibilities. Horin, who was appointed to this newly-created position on November 13, previously served as Ukraine's Ambassador to Singapore and Brunei. The MFA announced that this position was established to coordinate efforts between the MFA and other GoU ministries.

¶11. (C) Horin confirmed that he will coordinate activities to fight xenophobia, adding that President Yushchenko's mandate to establish this position gave him the authority needed to accomplish his job. He acknowledged that xenophobia and racism will be hard to eradicate from Ukrainian society and that the GOU will have to use a "multi-pronged" approach rather than only law enforcement. His vision of a multi-pronged approach included new legislation to meet international standards, improved coordination of government activities through the creation of an inter-agency task force, the promotion of tolerance through educational programs at schools, and the development of media standards to encourage more balanced and professional reporting on racism and xenophobia.

¶12. (C) Horin noted that the creation of special foreign crime units at the MOI and SBU showed that the GOU now recognizes the problem of hate crime and that it was

important for Ukrainians to understand that these incidents were damaging its international image. Although Horin acknowledged there is a problem, he noted that statistics show that other European countries have higher levels of hate crimes. He opined that xenophobia can be tied to low living standards and Ukraine's history of anti-Semitism. Horin drew a sharp distinction between traditional anti-Semitism, which he acknowledged still exists in Ukrainian society, and the virulent and violent ideology seen from extremist "skinhead" groups, which he believes have backing from Russia. He found repugnant MAUP's attempt to play the role of victim, fighting in the courts to defend academic freedom, and stated the SBU needed to do more to investigate MAUP's funding, especially from external sources that Horin called "significant." (Note: MAUP, the Interregional Academy of Personnel Management, is a private commuter university and Ukraine's largest purveyor of anti-Semitic rhetoric. End note.)

¶13. (C) Horin said he would soon meet with the Foreign Minister to discuss his plans for an inter-agency task force on xenophobia and the establishment of public councils, to include NGO participation. His suggestions will include an increased security presence at university campuses and increased video surveillance in public areas. He expressed interest in visiting other countries to gain insight on different methods of combating xenophobia and seemed most interested in the U.S. model. Horin was also exploring other approaches, such as Singapore's, which he felt used a more authoritarian approach. He added that Israel and Ukraine had agreed to cooperate in historical research on UPA (Ukrainian Insurgent Army) leader Roman Shukhevych's role as a partisan leader in World War Two and his alleged collaboration with Nazi war criminals.

Will oversee Dispute over Rabbi Nachman's Gravesite

¶14. (C) Horin confirmed the MFA's announcement that he will work to resolve a property dispute between the Breslav Hassidim and a Ukrainian owned construction company in Uman, which could result in the transfer of ownership of Rabbi Nachman's grave site to the non-Jewish Ukrainian company. Horin promised to review each side's arguments scrupulously and agreed with the Ambassador on the importance that the annual pilgrimage and religious observances at the venerated site should not be disrupted by the property dispute.

¶15. (U) Visit Embassy Kyiv's classified website:
www.state.gov/p/eur/kiev.
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